
**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,
v.
LEE DONALD CRUZ,
Defendant.

**MEMORANDUM DECISION AND
ORDER TO CONTINUE
JURY TRIAL, EXCLUDING TIME AND
SCHEDULING TRIAL AND PRETRIAL**

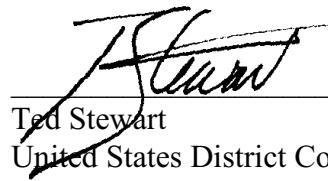
Case No. 2:08-CR-248 TS

Based on the motion to continue the Jury Trial filed by defendant, Lee Donald Cruz, the government's stipulation, and good cause appearing, the Court finds as follows. Due to the need for additional time to obtain and review records, to deny the requested continuance would deny counsel for the defense and for the government the time necessary for effective trial preparation, taking into account due diligence. The ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial pursuant to 18 U.S.C. § 3161(h)(8). The time of the delay shall constitute excludable time under the Speedy Trial Act. It is hereby ORDERED that the one-day jury trial previously scheduled to begin December 1, 2008, is hereby **continued to February 12, 2009, at 8:30 a.m.** A final pretrial conference shall be heard **on February 2, 2009, at 2:30 p.m.** It is further

ORDERED that the time from the filing of the Motion to Continue to the date of the new trial shall be excluded in computing the time within which the trial must commence under the Speedy Trial Act.

Dated this 24th day of November, 2008.

BY THE COURT:



Ted Stewart
United States District Court Judge